

Minutes of the Judiciary and Law Enforcement Committee – July 17, 2009

Chair Bonne Morris called the meeting to order at 9:30 a.m.

Committee Members Present: County Board Supervisors Bonnie Morris (Chair), John Pledl, Jean Tortomasi, James Dwyer. **Absent:** Supervisors Paul Decker, Dave Falstad, Peter Wolff, Kathleen Cummings.

Also Present: Legislative Policy Advisor Dave Krahn, Legislative Associate Karen Phillips, Inspector Steve Marks, Business Manager Tom Koth, Emergency Management Coordinator Bill Stolte, CJCC Coordinator Rebecca Luczaj, Jail Administrator Mike Giese, Emergency Management Program Assistant Kathy Schwei

Approval of Minutes – June 19, 2009

MOTION: Pledl moved, second by Tortomasi, to approve the minutes of June 19, 2009, as amended. Motion carried 4-0.

Reports from Committee Member Liaisons

- Tortomasi reported that the RFP for the new CAD system went out May 18, with a response deadline of July 18. Approximately 10 to 12 responses are anticipated. Interviews will take place in October.
- Morris stated that the Waukesha County Sheriff's Department will receive their accreditation award at the next County Board meeting. Dwyer stated that as part of the accreditation, the department will have the responsibility to assist in training and reviewing other law enforcement agencies for certification. Dwyer suggested that this Committee monitor how much time Sheriff's Department staff would be spending in this process, as it could be very labor intensive.

Future Meeting Dates

- August 14, 2009

Discuss and Consider Ordinance 164-O-033: Accept Homeland Security-Urban Area Security Initiative FY2008 Program Funding And Modify The Emergency Preparedness 2009 Budget To Appropriate Grant Revenues And Expenditures To Purchase An Emergency Generator

Stolte explained that this project was one initially identified by the Department of Public Health – the need for a large location, equipped with emergency power, for their mass clinics. Waukesha County currently does not have a large venue equipped with emergency power generation to support mass clinic operations. He stated that through the investigation process, it was determined that it would be more practical to have a trailer-mounted portable generator as opposed to a fixed generator. It could then be moved to other locations if it were needed for another purpose in a long-term power outage situation.

Dwyer questioned where the generator will be located. Stolte stated it would be stored outside at Fleet or at the Communications Center. Dwyer suggested that perhaps it could be stored inside the newly built garage at Fleet; Pledl, Tortomasi and Morris agreed that inside storage would be preferable. Stolte will follow-up with Bob Rauchle at Fleet regarding arrangements for an inside storage location.

Stolte explained that the on-going maintenance costs of the generator would be paid for by Emergency Management and Health & Human Services. The equipment should last a minimum of 15 years;

however, it could last up to 25 years. He added that the generator would be available upon request to other County departments. The trailer will be a part of the purchase.

MOTION: Tortomasi moved, second by Pledl, to approve Ordinance 164-O-033. Motion carried: 4-0.

Discuss and Consider Ordinance 164-O-034: Accept Homeland Security-Urban Area Security Initiative FY2008 Program Funding And Modify The Emergency Preparedness 2009 Budget To Appropriate Grant Revenues And Expenditures To Purchase Communications Equipment For The Mobile Command Post

Stolte stated the grant funding would be used to purchase an ACU-1000, which is a piece of equipment that can be used as a bridging device to link disparate radio and phone systems together with the County's trunked radio system. This would allow mutual aid emergency response agencies to use their own equipment while still being able to communicate on the County's trunked radio system.

MOTION: Pledl moved, second by Tortomasi, to approve Ordinance 164-O-034. Motion carried 4-0.

Discuss and Consider Ordinance 164-O-035: Expenditure Of Seized Funds Amend 2009 Sheriff's Department Budget Multiple Expenditure Requests July 2009

Marks assured that in keeping with Federal guidelines, the seized funds are used to enhance law enforcement activities, not supplant existing budget appropriations. Marks reviewed the list of items to be purchased as outlined in the ordinance.

- Dive suits, scuba tanks, and dive team accessories: Marks clarified that the "scuba" tanks are actually air tanks for the jail. The dive suits (5) are oil resistant to comply with the National Incident Management System (NIMS) requirements. Giese stated the air tanks are self contained breathing apparatus (SCBA) tanks (13), to be used by staff in the case of fire/fire drills. There is a shelf-life and they do need replacement periodically. The new tanks will have a 45 minute capacity versus the current 30 minute capacity tanks.
- Polygraph technician training: The current two polygraph operators (2) have other duty assignments as well – one more operator will be trained to assist them. The training is held in Florida. They run approximately 30-65 polygraph tests per year, mainly used by the Detective Bureau and for pre-employment testing of deputies and correctional officers.
- Traffic vests for patrol staff: Marks brought a sample of the upgraded, NIMS compliant vests (175 total).
- Magazine clips and pelican cases to secure tactical unit weapons: Officers take weapons home so that they are ready to respond to the scene of an incident. The cases will allow for security of the weapons stored in vehicles (30 cases and 40 clips will be purchased)
- Cameras for evidence area: Two higher tech cameras are being added for the ID Bureau detectives.
- Construction of a secure shower in Pod 1 and microphones for the Huber locker room: Giese explained Pod 1, for special-needs inmates, will be upgraded to the same level as Pod 2. Installation of security equipment will allow more secure environment while requiring less staff intensity. The microphones in the locker rooms will be used as a strategy to prevent locker break-ins/thefts by providing the ability for staff to listen-in whenever inmates are in the locker room vicinity.
- Conference telephone and chairs: The conference telephone is for the training room which recently has been in use for the H1N1 virus situation teleconferencing, in conjunction with Emergency Management and Public Health. The chairs are needed for an upgrade for the pod officers.

- Handcuffs and leg irons: Handcuffs and leg irons used on a daily basis for prisoner transports – they will be a higher quality shackling device, color-coded, easier to maintain. Forty sets will be purchased.
- Additional funding for proper sizing of the enclosed trailer for the snowmobiles: Marks identified the need to upgrade to a larger trailer than originally anticipated – it should have been ordered initially. It will be an enclosed trailer with a ramp. The \$1500 is in addition to the \$3000 requested in a previous asset forfeiture ordinance.
- Plasma television for Sussex substation: Marks invited the Committee members to look at the impressive new facility in Sussex. The television would be used in the entrance/waiting room area to run public services messages, as well as for general usage. Dwyer questioned whether the television would have any other uses, such as for training. Marks stated the waiting area is too small for that purpose. Pledl objected to the term “plasma” television. It gives the perception of being excessive, as it will not be used in a very high volume area. When Marks stated that it would be a 52” plasma television, Dwyer agreed that it does sound excessive for the size of the room. Koth explained that it would meet the criteria for purchase with seized funds; it is not a replacement and it enhances law enforcement operations. After thorough discussion, Pledl stated he would like to amend the ordinance to account for the purchase of a less costly television.

MOTION: Pledl moved, second by Tortomasi, to amend Ordinance 164-O-035 to reflect a downsize and change in the purchase of a plasma television to a television at a more reasonable price, not to exceed \$800 (including mounting bracket), resulting in the maximum total amount of seized funds expenditure not to exceed \$78,880. Motion carried 4-0.

MOTION: Tortomasi moved, second by Pledl, to approve the Ordinance 164-O-035 as amended. Motion carried 4-0.

Future Agenda Item

- Presentation – Drug Use in Waukesha County by Captain Wood of the Waukesha County Sheriff’s Department

Criminal Justice Collaborating Council Update

Luczaj distributed a handout titled *CJCC Update to Judiciary & Law Enforcement Committee – July 17, 2009*.

OAR Legislative Changes & Impact on OAR Program: Luczaj explained that the changes to OAR (Operating After Revocation) legislation, effective July 1, 2009, have decriminalized OAR penalties not associated with OWI convictions. OAR’s not related to OWI offenses are now municipal violations. This will have a significant impact on the OAR Program. She stated that Diane Kelsner has estimated that they should see almost a 65% reduction in OAR 2nd+ filed with the circuit court.

Luczaj continued with a review of the *OAR Program Statistics* and *OAR Program Options* as outlined in the handout. She explained that County Executive Vrakas, she and other County staff met with WCS and came up with a tentative plan. Vrakas had suggested we work with the municipal courts to implement a pilot program to make referrals to the OAR Program. Because Eiring is a Town of Brookfield municipal judge, she offered to talk with other municipal court judges to determine a level of interest in working on a pilot program. After the pilot program (possibly one year in length), the municipal courts would need to pick up partial funding or full funding of the OAR Program. If there is no interest from the municipal courts or not enough, a phase-out program would be considered. The resources would be shifted to other CJCC programs.

Luczaj stated one concern for the County is the potential for the increase of municipal offenders in the Waukesha County Jail. Krahn briefly discussed the issue of the Corporation Counsel's interpretation of the State statute defining how much municipalities can be charged per day for jail costs (currently only \$11.00 per day.) versus the real cost (about \$80-\$85).

Luczaj advised that Wisconsin Community Services (WCS) has received notice that the Intoxicated Driver Intervention Program will most likely see a decrease in funding from the Department of Transportation for the funding year 7/1/2010 – 6/30/2011.

CJCC Grants Update: Luczaj stated that the Byrne Grant has been awarded in the amount of \$18,619 over a 3 year period, starting about October 1. The CJCC will contract with the Public Policy Forum to provide technical assistance to the CJCC in the areas of criminal justice research, analysis and evaluation. Still pending notification are the Drug Court Enhancement Grant and the Substance Abuse & Mental Health Services Administration Drug Court Expansion Grant. Luczaj stated she hopes to receive notification about those grants during the month of August.

CJCC Strategic Planning Update: Luczaj provided an update of the strategic planning session held on May 18, 2009. About 50 people attended the all-day session. The facilitator has put together of summary of the day's events. The CJCC Executive Committee is following up with the recommendations and making decisions on assigning the issues to the various CJCC committees/subcommittees for further research. The CJCC plans have yearly planning sessions with Council members, and larger planning sessions with others involved in the criminal justice system every 3 to 4 years.

Dwyer expressed special thanks to Judge Davis and Luczaj for their extensive time and effort put forth in making the strategic planning session a great success.

2010 Programs Update: The following CJCC programs will be going out for bid for the contract year beginning 1/1/2010: Pretrial Screening, Pretrial Supervision, Alcohol Treatment Court, and Day Report Center. Purchasing asked to combine these programs into 1 RFP with a 5-year contract and the option of 2 extensions (1-year each in length).

Legislative Update

Krahn reviewed the handout titled *2009 Legislation – Judiciary Committee, 7-17-09*. Since the last Judiciary & Law Enforcement Committee meeting, the State Budget, has been signed into law – Act 28. Krahn gave a brief update on the following bills: AB 110, AB 130, AB 177, AB 178, AB 230, AB 274, AB 283, AB 320/SB 230, AB 346, and AB 287/SB 209. Several legislative bills are related to OWI issues.

MOTION: Pledl moved, second by Tortomasi, to adjourn at 11:17 a.m. Motion carried 4-0.

Respectfully submitted,

Kathleen M. Cummings
Secretary